IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 14890 of 2005

Between:

D.Pochaiah, S/o.Swamy,
R/o.4-4-58/A, Hayathnagar Village & Mandal,
Ranga Reddy District.

..... PETITIONER

AND

1 The Station House Officer, Ibrahimpatnam P.S., Ibrahimpatnam,

R.R.District.
2 The Station House Officer, Hayathnagar P.S., Hayathnagar,

Ranga Reddy District.
3 D.Yadaiah, S/o.Swamy,
R/o.4-4-58, Hayathnagar village & Mandal,
Ranga Reddy District.
4 G.Anasuya W/o.Venkatesham,
R/o.4-4-50, Hayathnagar village & Mandal,
R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly writ of Habeas Corpus, directing the 1st and 2nd respondent to apprehend the 3rd and 4th respondents and to trace out the detenu viz., D.Shiva Kumar @ Shiva Shanker, S/o.D.Pochaiah, aged about 13 years, and to produce the detenu before this Hon'ble court and to handover the

custody of the minor child to the petitioner and to grant such other relief or reliefs as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.D.RAMAN GOPAL

Counsel for the Respondents 1 & 2: G.P.FOR HOME

The Court at the stage of admission made the following :

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ):

The detenu is produced in the Court. We have recorded his statement. He is not prepared to go along with his father. He stays at present with the sister of his father, who according to him is taking care of him and she is also sending him to School. He is studying in VII Class. He also stated that his father has taken a second wife after the death of his mother and he is not comfortable in his father's house as his father is beating him. At our suggestion, whether he wants to go to a hostel, where there would be better educational facilities for him, he readily accepted the suggestion.

We recorded the statement of the father of the detenu i.e., the petitioner also. He has no objection if the detenu is admitted to a hostel provided he is not to pay any amount, because he cannot afford the expenditure. When learned Government Pleader for Home submitted that the Government can make arrangement for free admission of the detenu in B.C.Welfare Hostel, Mahendra Hills, Secunderabad, where there are very good arrangements for the inmates and where schooling will also be taken care of, both the petitioner and the detenu agreed to this proposal of the learned Government Pleader for Home.

Therefore, we dispose of this writ petition with a direction that the B.C.Welfare Department shall make arrangements for getting the detenu within a week from his home and admitting him in the B.C.Welfare Hostel, Mahendra Hills, Secunderabad. The School, where the detenu is presently studying shall issue Transfer Certificate to the boy immediately. For the time being, the sister of the petitioner, who is the aunt of the detenu, shall be the guardian of the detenu. However, it will be open for the

petitioner to seek guardianship in appropriate proceedings.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki, ACJ)

18th July, 2005

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(G.Chandraiah,J)

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Note: Copy of the order be

given immediately to

the learned G.P.for Home.

To

1 The Station House Officer, Ibrahimpatnam P.S., Ibrahimpatnam,

R.R.District.

2 The Station House Officer, Hayathnagar P.S., Hayathnagar,

Ranga Reddy District.

3 Two C.Cs to the G.P. for Home, High Court Buildings, A.P.,

Hyderabad (OUT)

4 Two C.D copies.